

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 17th day of September, 2012 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor  
Vickie Abrego Mayor Pro Tempore  
James A. Mills Council Member  
Billy Ellis Council Member  
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE  
PERSONNEL PRESENT: Allen Lawrence City Attorney  
Mike Sullinger Interim City Manager  
Yvonne Stonebraker City Secretary

ADMINISTRATIVE  
PERSONNEL ABSENT:

STAFF PRESENT: Eric Blanchard Police Chief  
Rickie Kilgore Fire Chief  
Paul Alvarado Public Works Director  
Earl Buckmaster Harbormaster  
Sandy Roddel Finance Director

OTHERS PRESENT: Agustin Perez, Jen Rubinowitz, Lou Barton, Terry Stansberry, David Aken, Donald & Jeanie Brummett, Jim and Alpha Covington, Colette Walls, David Underbrink & Thomas Tiffen/Naismith Engineering, Commissioner Jack Chaney, Phil & Nell Reynolds, Joshua Bair, Capt. Tom Doran, Jennifer Thomas, Steve & Stephanie Pham, Patsy Lawrence and Robert Cohen.

*There may have been others present who did not sign in.*

1. **CALL MEETING TO ORDER.**

Mayor Knight called the Meeting to order at 7:00 P.M. on September 17, 2012.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Pro Tem Abrego gave the Invocation and Mayor Knight led the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA.**

A. **CONSIDER AND ACT ON MINUTES OF AUGUST 16, SEPTEMBER 4 AND SEPTEMBER 10, 2012.**

Council Member Mills made a motion to approve the consent agenda. Council Member Ellis seconded the motion and the motion carried unanimously.

4. **CONSIDERATION OF BIDS RELATING TO THE SALE OF OBLIGATIONS AS "CITY OF ARANSAS PASS, TEXAS COMBINATION TAX AND LIMITED PLEDGE CERTIFICATE OF OBLIGATION, SERIES 2012"; CONSIDERATION AND APPROVAL OF FINANCIAL ADVISOR'S RECOMMENDATION CONCERNING THIS MATTER; AND OTHER MATTERS IN CONNECTION HEREWITH.**

Mr. Andrew Friedman, Southwest Securities, stated the sale of the \$4,200,000. bonds were aggressive and competitive. He stated the lowest bidder was BOSC at 2.432396.

Mr. McLiney, Southwest Securities, stated with the City of Aransas Pass at an A+ rating, Aransas Pass had a \$34,000.savings right off the top.

Council Member Mills made a motion to approve advertising for bids relating to the sale of obligations as "City of Aransas Pass, Texas Combination Tax and Limited Pledge Certificate of Obligation, Series 2012"; Consideration and Approval of financial advisor's recommendation concerning this matter; and other matters in connection herewith. Council Member Hyatt seconded the motion and the motion carried.

5. CONSIDERATION AND APPROVAL OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF ARANSAS PASS, TEXAS CONMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2012"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE.

Council Member Mills made a motion to approve an ordinance authorizing the issuance of "City of Aransas Pass, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2012"; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the city and further securing said certificates by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement; complying with the requirements of the letter of representations previously executed with the depository trust company; and providing an effective date. Council Member Ellis seconded the motion and the motion carried unanimously.

6. CONSIDER AND ACT ON APPROVING STEPHANIE PHAM'S REQUEST OF ASSUMING THE BAIT SHACK CONN BROWN HARBOR LEASE FROM MR. JOSHUA BAIR AND MR. JAI LOPEZ.

Council Member Ellis made a motion to approve Stephanie Pham's request of assuming the Bait Shack Conn Brown Harbor lease from Mr. Joshua Bair and Mr. Jai Lopez effective October 1, 2012. Council Member Mills seconded the motion and the motion carried unanimously.

7. CONSIDER AND ACT APPROVING THE REQUEST OF MR. CHARLES HATCH FOR CITY OF INGLESIDE TO SUPPLY WATER AT ARANSAS PASS STORAGE, LTD. LOCATED AT 1605 HIGHWAY 181 (NORTHWEST CORNER OF THE INTERSECTION OF HIGHWAY 361 AND KENNEY LANE.)

Council Member Ellis made a motion to approve the request of Mr. Charles Hatch for City of Ingleside to supply water at Aransas Pass Storage, LTD., located at 1605 Highway 181 (northwest corner of the intersection of Highway 361 and Kenney Lane.) Council Member Hyatt seconded the motion and the motion carried with Mayor Pro Tem Abrego abstaining from the vote.

8. PUBLIC HEARING ON THE REQUEST OF MS. ELIZABETH ROBERTS FOR A CONDITIONAL USE PERMIT TO OPERATE A BED AND BREAKFAST. THE PROPERTY IS DESCRIBED AS LOTS ½ OF 28 THRU 32, BLOCK 382, 501 W. WHEELER AVENUE, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS. THE PROPERTY IS ZONED (R-7) RESIDENTIAL DISTRICT.

City Attorney Allen Lawrence opened the Public Hearing at 7:25 P.M. He asked if there was anyone present to speak in favor of this request.

Ms. Jen Rubinowitz stated Ms. Roberts was out of the country and would be speaking on her behalf. She stated the Planning and Zoning Commission authorized a 1-year Conditional Use Permit for a Bed and Breakfast at 501 West Wheeler Avenue with 12 people maximum, no

parties outside after 10 P.M., fire extinguishers and exit signs (already installed) and no parking on the grass.

Attorney Lawrence asked if there was anyone present to speak against this request.

There were none.

Attorney Lawrence closed the Public Hearing at 7:28 P.M.

9. **CONSIDER AND ACT ON THE REQUEST OF MS. ELIZABETH ROBERTS FOR A CONDITIONAL USE PERMIT TO OPERATE A BED AND BREAKFAST. THE PROPERTY IS DESCRIBED AS LOTS ½ OF 28 THRU 32, BLOCK 382, 501 W. WHEELER AVENUE, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS. THE PROPERTY IS ZONED (R-7) RESIDENTIAL DISTRICT.**

Council Member Mills made a motion to approve the request of Ms. Elizabeth Roberts for a 1-year Conditional Use Permit to operate a Bed and Breakfast with the above stated conditions. The property is described as Lots ½ of 28 thru 32, Block 382, 501 W. Wheeler Avenue, Aransas Pass, San Patricio County, Texas. The property is zoned (R-7) Residential District. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

*The following item was tabled on August 20, 2012 and needs to be un-tabled before considering.*

10. **CONSIDER AND ACT ON APPROVING ROAD REPAIRS IN THE CITY OF ARANSAS PASS.**

Council Member Mills made a motion to un-table agenda item 10. Council Member Ellis seconded the motion and the motion carried unanimously.

Mayor Knight stated Interim City Manager Mike Sullinger submitted three scenarios of street improvements. **Scenario Number 1:** reconstruct West Gile off Bypass 35 for \$62,072.14; reconstruct North Arch from East Wheeler Avenue to East Lott Avenue for \$16,447.93; reconstruct East Blossom Avenue for \$9,668.27; and reconstruct South Arch from West Highland to West Johnson for \$45,729.73 for a total of \$133,918.07. **Scenario Number 2:** reconstruct West Gile off Bypass 35 for \$62,072.14; patch and seal East Wheeler from Arch to the Harbor for \$60,449.77; and reconstruct East Blossom Avenue for \$9,668.27 for a total of \$132,190.18. **Scenario Number 3:** reconstruct West Gile off Bypass 35 for \$62,072.14; reconstruct North Arch from East Wheeler Avenue to East Lott Avenue for \$16,447.93; reconstruct East Blossom Avenue for \$9,668.27; and reconstruct South Saunders from West Beasley Avenue to Mooney Lane for \$41,917.82 for a total of \$130,106.16.

Mayor Pro Tem Abrego made a motion to approve road repairs in the City of Aransas Pass under Scenario Number 2. Council Member Ellis seconded the motion and the motion carried with Council Member Mills voting no.

11. **CONSIDER AND ACT ON APPROVING ADVERTISEMENT TO RECEIVE BIDS ON THE SANITARY PUMP-OUT FACILITY FOR BOATS AT THE TRANSIENT DOCKS AT CONN BROWN HARBOR. FUNDS TO CONSTRUCT THE FACILITY HAVE BEEN ACQUIRED THROUGH A GRANT TO THE CITY OF ARANSAS PASS FROM THE TEXAS PARKS AND WILDLIFE.**

Mayor Pro Tem Abrego made a motion to approve advertisement to receive bids on the sanitary pump-out facility for boats at the transient docks at Conn Brown Harbor. Funds to construct the facility have been acquired through a grant to the City of Aransas Pass from the Texas Parks and Wildlife. Council Member Hyatt seconded the motion and the motion carried unanimously.

12. **CONSIDER AND ACT ON APPROVING ADVERTISEMENT OF CONN BROWN HARBOR BOAT RAMP CLOSURES WHILE EXPANSION AND IMPROVEMENTS ARE BEING CONSTRUCTED.**

Council Member Mills made a motion to approve advertisement of Conn Brown Harbor Boat Ramp closures while expansion and improvements are being constructed. Council Member Ellis seconded the motion and the motion carried unanimously.

13. **CONSIDER AND ACT ON APPROVAL OF ORDINANCE NO. 2012-4019 – ADOPTING THE FY 2012-2013 BUDGET OF THE CITY OF ARANSAS PASS.**

Council Member Hyatt made a motion to approve Ordinance No. 2012-4019 – adopting the FY 2012-2013 Budget of the City of Aransas Pass. Mayor Pro Tem Abrego seconded the motion and the motion carried with Council Member Mills voting no.

14. CONSIDER AND ACT ON APPROVAL OF ORDINANCE NO. 2012-4020 – LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF ARANSAS PASS, TEXAS SUBJECT TO TAXATION, A CERTAIN SUM UPON EACH ONE HUNDRED (\$100.00) DOLLARS OF VALUATIONS SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUESTED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM FINES, LICENSES, AND OTHER SOURCES OF REVENUE.

Council Member Mills made a motion to approve Ordinance No. 2012-4020 – levying upon the assessed valuation of the property within the City of Aransas Pass, Texas subject to taxation, a certain sum upon each one hundred (\$100.00) dollars of valuations sufficient to raise the amount estimated to be requested in the annual budget, less the amount estimated to be received from fines, licenses, and other sources of revenue. Council Member Ellis seconded the motion and the motion carried unanimously.

15. CONSIDER AND ACT ON AUTHORIZING INTERIM CITY MANAGER SULLINGER TO PROCEED WITH ADVERTISING FOR CITY MANAGER.

Council Member Mills made a motion to approve the authorization of Interim City Manager Sullinger to proceed with advertising for city manager. Council Member Ellis seconded the motion and the motion carried unanimously.

16. CITIZENS' COMMENTS.

County Attorney David Aken praised the Aransas Pass Police Department (APPD) for new management. He stated the county was receiving completed and professional looking reports from the APPD.

Jennifer Thomas discussed the boat ramp closings, the adopt-a-beach program, City picking up old tires and the palm trees in Aransas Pass.

17. ADJOURNMENT OF MEETING.

Council Member Mills made a motion to adjourn the meeting. Council Member Hyatt seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 7:49 P.M.

\_\_\_\_\_  
Tommy Knight, Mayor

ATTEST:

\_\_\_\_\_  
Yvonne Stonebraker, City Secretary